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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,106	01/22/2004	Charles Vaughn Rankin	AUS920030493US1	6607

7590 12/31/2007  
Kelly K. Kordzik  
400 North Ervay Street  
P.O. Box 50784  
Dallas, TX 75201

EXAMINER
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RENDON, CHRISTIAN E

ART UNIT	PAPER NUMBER
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3714

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
12/31/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No. 

10/763,106

Applicant(s)

RANKIN ET AL.

Examiner

Christian E. Rendón

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

This office action is in response to the amendment filed on 11/06/07 in which applicant amends claims 5, 12, 19 and responds to the claim rejections. Claims 1-21 are still pending.

### *Claim Rejections - 35 USC § 102*

**Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by 'Ultima Online' as evidence by Paul Drye (The Beginner's Guide to Ultima Online v2.2).**

1. Massively multiplayer online role-playing game (MMORPG) is a genre of role-playing games (RPG) in which a large number of players interact with one another in a virtual world. Even though there are many different MMORPG with different set of rules, characters and abilities, they each share some basic characteristics established back in the days of role-playing board games. The role and functions of a game master (GM) is just one example of the basic characteristics found in multiplayer role-playing games. The GM acts as a referee and as a storyteller, in other words this participate or player creates the setting and story of the adventure, controls non-playable characters (NPC) to further expand the story during the adventure and encouraging all of the players to participant.
2. Regarding claims 1-2, 8-9 and 15-16, each GM of an Ultima Online has the authority to create adventures or scenarios that manipulates NPC and players or second set of physical entities to interact with animals, enemies or first set of physical entities. The players are a subset of the second set of physical entities that are able to gain experience points (Drye: pg. 16, par. 5) that will improve their overall statistics. In other words the player can have an outcome exceed a pre-selected outcome, another common feature of any RPG type of game. The Ultima Online game servers track a player's progress and record the information to the player's membership account. For instance, a player cannot kill another player (Drye: pg. 9, 'What will lose me Karma') and NPC without a "just cause" (Drye: pg. 9, 'Can I Attack Someone?'). If the player is recorded as killing five players or NPC who were not evil than

he or she is listed as a 'murderer' (Drye: pg. 9, 'I've Been Killed by Another Player. Now What?'). The world reacts to this new status by having town guards will kill the murdering player on site, merchants charging five time the price on items and acquiring assistance from only evil healers (Drye: pg. 9, 'I've Been Killed by Another Player. Now What?'). This feature allows players to leave and return to the virtual world without a penalty of a lost weapon or characteristics if they logoff correctly. Furthermore the Ultima Online game engine, which is installed on to a computer from a readable medium, is programmed to map first and second set of physical entities.

3. Regarding claims 3-4, 7, 10-11, 14, 17-18 and 21, one play through of the game or by merely viewing a screenshot of the game reveals the prior art's ability to solve a physical model problem. The act of a player logging back into the virtual world solves several model problems: the creation of the player's last location like an inn (Drye: pg. 4, 'Can I Log Off Just Anywhere?'), the creation of the player's pet or horse (Drye: pg. 22, 'My Pet Disappeared When I Logged Off. Why?'), the creation of a docked boat (Drye: pg. 27, 'Where'd My Boat Go?'), and the creation of the player with all of their gear and weaponry.

### ***Claim Rejections - 35 USC § 103***

**Claims 5-6, 12-13 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over 'Ultima Online' evidence by Paul Drye & Jere Lindell (Tutorial to New Players of Ultima Online) in view of 'The Sims' (<http://www.nytimes.com/library/tech/00/04/circuits/articles/27sims.html>)**

4. A pathogenic organism is defined as a life form that can harm human health in several ways like producing poisonous metabolic products as shown by the encyclopedia of Public Health (<http://health.enotes.com/public-health-encyclopedia/pathogenic-organisms>), which is cited in this action as extrinsic evidence. The beginner's guide discloses the existence of poisonous snakes and scorpions in the virtual world (Drye: pg. 17, 'What Spells Should I Learn?'). The poison created by these 'living' virtual creatures causes a player to die by lowering their hit points and stamina (Lindell: 'VIII. Woodlands' 'Word or Two About Poison'). Therefore snakes, scorpions and any other poisonous

creature in the game is a pathogenic organism. A player can neutralize the poison through the casting of a spell or drinking the right potion (Lindell: 'VIII. Woodlands' 'Word or Two About Poison'). The player can obtain the right potion (orange) from a merchant (Lindell: 'About Buying Good Equipment') or if they are not experienced enough to cure the poison themselves (Lindell: 'VIII. Woodlands' 'Word or Two About Poison'), they could ask the right person to assist them. Whichever solution the player chooses there is a character playing the role of a pharmaceutical agent.

5. However the prior art remains silent about testing experimental protocols on players. As disclosed by the NY Times article the creator of 'The Sims' Mr. Wright designed and released an experimental virus into the virtual world. In other words, "Mr. Wright was playing games with his game, with the players and with the whole idea of a virus" (Sims: par. 5). The creator offered the players a chance to raise a guinea pig. If the player neglected cleaning the cage of the animal the pig would become a disease vector, allowing a player the chance to become infected through an animal bit (Sims: par. 10). Once a player becomes ill, they had to figure out how to take care of themselves or suffer a death (Sims: par. 9 and 11). The solution to the virus was to allow your character sufficient rest (Sims: par. 11). Mr. Wright's desire to "push the interactivity and realism of the game one step further" (Sims: par. 3) was the motivation behind this experiment.

6. Therefore one of ordinary skill in the art would include an infectious 'virus code' in a MMORPG like 'Ultima Online' to increase the interactivity and realism of the video game. The next logical step is to reward player with high anatomy skills (Lindell: 'V: Some Basic Ethics', 'Healing') with the ability to play the role of a doctor and cure a disease, virus, heal bones, etc. Creating the possibility of a new character type and further diversifying the possible combination of creating a strong guild or team.

### ***Response to Arguments***

Applicant's arguments filed 11/06/07 have been fully considered but they are not persuasive since the prior arts disclose every limitation claims. The following definitions were stated above however are restated for the applicant's convince.

- First set of physical entities **are interpret as** weapons, enemies, places and animals
- Second set of physical entities **are interpret as** playable (PC) & non-playable characters (NPC)
- 'having an outcome exceeding a predetermined outcome' **is** an example of a player obtaining **Experience Points (EXP)** to surpass an established level
- Inverse mapping **is** a computer graphics technique for drawing 3D virtual objects using texture mapping: 2D surface covering a volumetric (3D) object
- Physical Model Problem **is interpreted as** the need to dynamically draw a 3D world full of 3D buildings, animals, people and other objects the player will need for interaction or interruption
- MMO Save Files **track** a person's progress though the game by recording statistics and other information deemed important by the game. Most of this information is used for an analysis by the **server** or remote data processing system during the game
- Information **that is typically saved** is the player's inventory (first set of physical entities), experience points, and a game state to define the player's progress.
- 'sequence of second entities selected from an output of logging step' **is interpreted as** the common saving practice of saves different game states in case the player wishes to undue the latest set of game choices, in others words a list of game state files
- 'experimental protocol' **is interpreted as** the spreading of a poison or disease

- Claim 5, 12, 19 **is interpreted as a PC (2<sup>nd</sup> set) poisoning or infecting animals or enemy (1<sup>st</sup> set)** which in turn can affect other PC causing the game to redraw (inverse mapping) the PC as a visual representation of the effects caused by the poison or infection

Therefore Drye clearly discloses two sets of physical entities and a subset within the second set that has an ability to exceed a predetermined level, PC. The primary art has numerous references stating the recording the progress of a PC by a server. The Office Action explains the scenario of a murderous PC as an illustration of the server providing an analysis of a player's game experience based on a previously obtained label, Murder. In regards to claim 2, since the player's progress, statistics and inventory are all recorded then the prior art teaches the logging of the interactions with the first (weapons, etc.) and second (NPC, etc.) sets in response to a player's manipulations or choices. Furthermore the Office Action describes several different saving scenarios as an illustration on how certain factors created by first entities (enemies, etc.) or lack of (inns, anchors, etc.) can provide a constraint on an optimal save of the player's game. Regarding the interpretation of the claim 12 limitations, Drye and Lindell discloses the existence of poison in Ultima Online and how first and set of entities can use this feature. The Sims illustrates the expansion of the infection idea commonly found in all RPG or 'God Games' by mimicking the nature of a plague. In other words, an infection through poison or infection is no longer an isolated event, now it's more realistic by having traveling conditions. Therefore the art combination teaches clearly a PC (2<sup>nd</sup> set) infecting a pet (1<sup>st</sup> set) through neglect (defining a set of experimental protocols), creating a disease that can spread to other PC (2<sup>nd</sup> set) and affect the visual representation of the infected PC. The inclusion of Lindell is not a modification of Drye since they are both describing the same game; therefore Lindell is viewed as an additional source of information to further describe the single art, Ultima Online. Furthermore, the rational of creating a video game with more realistic consequences is valid (Sims: par. 3) and within the scope of an individual

familiar with the art since it increases the gameplay (Lindell: 'V: Some Basic Ethics', 'Healing') and entertainment value of a game experience.

**Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian E. Rendón whose telephone number is 571-272-3117. The examiner can normally be reached on 9 - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christian E Rendón  
Examiner  
Art Unit 3714

CER



**XUAN M. THAI**  
**SUPERVISORY PATENT EXAMINER**